

REMARKS

The Office Action dated February 10, 2004 has been received and carefully studied.

The Examiner rejects claim 15 under 35 U.S.C. §102(b) as being anticipated by Kish, U.S. Patent No. 5,882,405. The Examiner states that the Kish discloses a method of forming an insulated stapled including the process steps of providing a staple body via wire 12 adapted to be formed into a bight portion and a pair of legs, uniformly coating the staple body with a dielectric coating prior to formation into the bight portion and pair of legs, and forming the staple body into the bight portion and the pair of legs to form an integral unitary structure.

The rejection is respectfully traversed.

Kish discloses coating a fastener such as a staple by feeding a plurality of wire strands into a coating booth where the surfaces of the wires are coated electrostatically, curing the coating, and forming the wires into staples. The coating is cured in such a way that allows the coating to flow about the exterior surfaces of the wires and adhere the wires together into a continuous band prior to staple formation. Accordingly, an integral unitary structure is not formed between each individual staple and its coating; instead, a coated band is formed. Additionally, though the coating is applied on the staple body uniformly, it is not uniform on the staple after curing, as can be seen in Figure 4 of Kish. Rather, a thin layer of coating remains on the top and bottom surfaces as well as the arcuate side surfaces, with the majority of coating concentrated on the corners (column 3, lines 42-46). In contrast, claim 15 as amended requires the step of providing a uniform coating on the staple body.

The Examiner rejects claims 1-10 and 13-14 under 35 U.S.C. §103(a) as being unpatentable over Dennis '604 in view of Kish '405, and claims 11-12 as being unpatentable over Dennis '604 (in view of Kish '405)and further in view of Kish '373. The Examiner admits that Dennis does not disclose fasteners uniformly coated forming a unitary structure, but cites Kish '405 as teaching uniformly coated fasteners for forming a unitary structure.

By the accompanying amendment, claims 1 and 13 have been amended to clarify that each individual staple is uniformly coated and forms a unitary structure with the coating.

As admitted by the Examiner, Dennis does not disclose coated fasteners. The Examiner cites Kish '405 as disclosing uniformly coated fasteners forming a unitary structure, noting in particular column 1, lines 14-18 and 61-66. However, as stated above, although Kish discloses a fastener whose coating is applied uniformly, Kish does not disclose or suggest uniformly coated fasteners, or fasteners that are individually uniformly coated to form a unitary structure as between each individual fastener and the coating. Indeed, Kish teaches away from uniform coatings in expressly stating that certain portions of the fastener have the majority of the coating while other portions have a thin layer of coating. Kish also teaches away from each individual fastener forming an integral unitary structure with the coating in expressly stating that the coating adheres a bundle of fasteners together in a band or strip. Accordingly, the combination of Dennis and Kish '405 does not disclose or suggest the present invention as claimed.

Kish '373 is cited for its disclosure of steel staples. Claims 11 and 12 are believed to be allowable by virtue of their dependence, for the reasons stated above.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,



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